

HOUSE BILL 2192

By Kernell

AN ACT to amend Tennessee Code Annotated, Title 56,
Chapter 7, relative to insurance coverage.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 1, is amended by inserting the following as a new, appropriately designated section thereto:

§ 56-7-131.

An insurer may only require an insured to disclose the existence of or certify the non-existence of insurance coverage provided by other insurers on behalf of the insured or the insured's dependents to the extent that the insured has knowledge of that additional insurance. An insurer shall not require an insured to certify in writing that the insured or the insured's dependents do not have any additional insurance coverage unless such written statement expressly provides that the statement is given only to the best of the insured's knowledge, nor shall an insurer deny coverage on the basis of the existence of such insurance unless the insurer can prove by a preponderance of the evidence that a reasonable person should have had knowledge of the existence of the insurance. An insured may be presumed to have knowledge about insurance that has been obtained by a person with whom the insured has or formerly had a relationship, including, but not limited to, a former spouse or a relative of the insured, if such person and the insured were living in the same residence at the time the additional insurance was obtained. Nothing in this section shall be construed to require two (2) or more insurers to compensate an insured for the same claim or otherwise to impede two (2) or more insurers from coordinating the benefits payable by each.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.